



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुध्द्वर्तिवार, 18 नवम्बर, 1971, 27 कात्तिक, 1893

GOVERNMENT OF H. MACHAL PRADESH

HOME DEPARTMENT

NOTIFICATION

Simla-2, the 20th January, 1971

No. 17-4/66-Home.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution, vide Government of India, Ministry of Home Affairs, notification No. F. 27/59-Him (i), dated the 13th July, 1959, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to make the following rules in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Home Guards and Civil Defence Class III (Non-Ministerial) Service;
- (ii) the qualifications necessary for appointment to such service and posts; and

- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I

GENERAL

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Home Guards and Civil Defence Class III (Non-Ministerial) (Recruitment, Promotion and certain conditions of Service) Rules, 1970.

(b) These rules shall come into force from the date of notification in the official Gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Administrator” means the Lieutenant Governor of Himachal Pradesh;
- (b) “Recognised University” means any University incorporated by law in India;
- (c) “Government” means the Himachal Pradesh Government;
- (d) “The Service” means the Himachal Pradesh Home Guards and Civil Defence Class III (Non-Ministerial) Service;
- (e) “Direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Himachal Pradesh Government or of the Union;
- (f) “Scheduled castes” means the Castes, races or tribes or parts of, or groups within, castes, races or tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956 (63 of 1956) and Schedule IX read with sub-section (2) of section 27 of the Punjab Re-organisation Act, 1966 (31 of 1966);
- (g) “Scheduled tribes” means the tribes or tribal communities or parts of, or groups within, tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956 (63 of 1956);
- (h) “Member” means a member of the Himachal Pradesh Home Guards and Civil Defence Class III (Non-Ministerial) Service.

PART II

RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e., designation, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in Annexure I to these rules.

4. *Authority empowered to make appointments.*—All appointments to posts in the service shall be made by the Head of the Department or any other authority declared as such by the Administrator.

5. *Nationality, eligibility and age etc.*—(1) A candidate for appointment to any post in the service must be—

- (a) A citizen of India, and
- (b)(i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making application for appointment to a post, or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undertaking medical treatment or any period of such temporary absence not exceeding three months for any other reasons, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produces before the appointing authority concerned if so required by it, a certificate of eligibility granted under rule IV of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Administrator (Lieutenant Governor), Himachal Pradesh in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (i) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be—

- (a) A citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India; and

(2) unless he is already in Government service must produce—

- (i) a certificate of good moral character from the Principal Academic Officer of his University, college, school or the head of his educational or technical institution last attended;
- (ii) certificate of good moral character from two responsible persons,

not being his relatives, who are well acquainted with him in private life and unconnected with his university, college, school or other educational or technical institution;

(iii) a medical certificate as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;

(iv) a declaration to the effect that he has not more than one living wife.

No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;

(v) in the case of female, declaration to the effect that she has not married a person having already a living wife.

No women whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Himachal Pradesh Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of rules in clauses (iv) and (v) above.

(3) Age as prescribed for members of Home Guards under the Himachal Pradesh Home Guards Act and Rules:

Provided further that the minimum and maximum age limits as prescribed may be relaxed in pursuance of the instructions laid down in Government of India, Ministry of Home Affairs O.M. No. 4/7/56-RPS, dated the 30th November, 1956 (Annexure II) to these rules and of administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of scheduled castes/tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

7. Method of recruitment.—Posts in the service shall be filled either by promotion or by direct appointment or by transfer in the following manner:—

(i) *Company Commanders.*—25% of the posts will be filled by promotion on the basis of selection subject to the educational qualifications and record of service being satisfactory out of the Civil Defence Instructors, Chief Instructor and Administrative Officer (C.T.C.) who have served at least 3 years in that capacity failing which by direct recruitment. The remaining 75% of the posts by direct recruitment.

(ii) *Civil Defence Instructors.*—25% of the posts will be filled by promotion on the basis of seniority subject to the educational qualifications and record of service being satisfactory out of the Platoon Commanders who have served at least for 3 years in the capacity failing which by direct recruitment. The remaining 75% of the posts by direct recruitment.

(iii) *Chief Instructor and Administrative Officer (C.T.C.).*—25% of the posts will be filled by promotion on the basis of seniority subject to the educational qualifications and record of service being satisfactory out of the Platoon Commanders who have served at least for 3 years in that capacity failing which by direct recruitment. The remaining 75% of the posts by direct recruitment.

- (iv) *Platoon Commanders*.—25% of the posts will be filled by promotion on the basis of seniority subject to the educational qualifications and record of service being satisfactory out of Havildar Instructors and Quartermaster Havildars failing which by direct recruitment. The remaining 75% of the posts by direct recruitment.
- (v) *Havildar, Instructors and Quartermaster Havildars*.—By direct recruitment.
- (vi) *Armourer*.—By direct recruitment.
- (vii) *Motor Driving Instructor*.—By direct recruitment.
- (viii) *Compounder*.—By direct recruitment.
- (ix) *Orderlies*.—By promotion on the basis of seniority subject to rejection of unfit out of peons who have served as such for at least 3 years in this capacity:

Provided that 23% and 5% of the vacancies shall be filled up from the candidates belonging to scheduled castes and scheduled tribes respectively subject to the minimum qualifications being satisfied by them:

Provided further that 10% of vacancies in class III posts filled by direct recruitment, including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent and/or to continue on a long term basis shall be filled up from the *ex-servicemen*, subject to the condition that the total reservation for the *ex-servicemen*, scheduled castes and scheduled tribes taken together does not exceed 45% of the total vacancies to be filled by direct recruitment in on recruitment year as contained in the Government of India, Ministry of Home Affairs memorandum No. 14/11/68-Estt. (D), dated 3rd July, 1968 circulated vide letter No. 11-32/66-GAD (Vol. III), dated 19th August, 1968 from the Chief Secretary to the Government of Himachal Pradesh:

Provided further that the vacancies earmarked in the direct quota of recruitment for outside candidates shall be intimated to the Heads of Departments or Heads of Offices as the case may be, and they shall be asked to recommend names of suitable candidates working in their offices, who are members of Home Guards, otherwise the vacancies shall be filled from amongst the *ex-servicemen* of the Indian Army who are members of Home Guards and possess the requisite qualifications and experience prescribed for the posts.

6. Educational, technical qualifications and experience for direct recruits.—No person shall be appointed to the service unless in the case of appointment to the post of—

- (i) *Company Commander*.—He has passed the Matriculation Examination of recognised University or Army Special. Has been holding honorary rank of Company Commander in the Himachal Home Guards or a paid post of Civil Defence Instructor/Administrative Officer/Chief Instructor in Civil Defence/Home Guards Department continuously for at least 3 years or has served in the Army as Subedar or above at least for 3 years.
- (ii) *Civil Defence Instructor*.—He has passed the Matriculation Examination of a recognised University or Army Special. Has qualified the Instructor's Course at the National Civil Defence College, Nagpur.
- (iii) *Chief Instructor and Administrative Officer (C.T.C.)*.—Has passed the Matriculation Examination of a recognised University or Army Special. Has been holding an honorary or paid rank of

Platoon Commander or above, in the Himachal Home Guards continuously for at least 3 years or has served in the Army as Subedar for at least 3 years.

- (iv) *Platoon Commander*.—Has passed the Matriculation Examination of a recognised University or Army 1st Class. Has been holding an honorary or paid rank of Havildar or above in the Himachal Home Guards continuously for at least 3 years or a Naib-Subedar who has served as such in the Army for at least 3 years.
- (v) *Havildar Instructor and Quartermaster Havildar*.—He has passed the Middle Examination of a recognised Institution or Army 1st Class. Has been holding an honorary or paid rank of Platoon Havildar or above in the Himachal Home Guards continuously for at least 3 years or Havildar who has served as such in the Army for at least 3 years.
- (vi) *Armourer*.—He has passed the Middle Examination of a recognised Institution or Army 1st Class, and has qualified as an Armourer from E.M.E. School, Secunderabad (Dacca) Andhara Pradesh.
- (vii) *Motor Driving Instructor*.—He has passed the Middle Examination of a recognised institution or Army 1st class. Has worked as Instructor in Motor Driving at least for 3 years and possesses motor driving licence for light and heavy vehicles.
- (viii) *Compounder*.—He has passed the Matriculation Examination of a recognised University and has experience of 3 years as Compounder in Government or private hospitals.
- (ix) *Orderly*.—He has passed Middle Examination of a recognised school:

Provided that the conditions prescribed above may be relaxed, in special circumstances by orders of the Government:

Provided further that the knowledge of customs, manners and dialects of Himachal Pradesh shall be essential qualifications for all candidates for purpose of eligibility for the above posts.

8. *Selection by Departmental Promotion Committee*.—Departmental Promotion Committee shall constitute as required under the rules.

PART III

CONDITIONS OF SERVICE

9. *Probation of members of service*.—(i) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation if, in the opinion of the appointing authority, not satisfactory, the appointing authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in rule 4 may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory, may dispense with his service, or revert him to his former post, if he has been appointed otherwise than by direct

appointment or may extend the period of probation and thereafter pass such orders on the expiry of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed double the normal period.

10. Scale of pay etc. of the service.—The grades of pay of each class of service are mentioned in Appendix I to these rules and are subject to revision from time to time.

11. Discipline.—In respect of discipline, punishment and appeals the members of the services shall be governed by the provisions of Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the Central Civil Service and Conduct Rules, 1964, as amended from time to time.

12. Seniority of member of service.—(1) Subject to the provisions of paragraph (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en-block* be senior to all others in that grade.

Explanations.—For the purpose of these rules—

(a) persons who are confirmed retrospectively with effect from the date earlier than the issue of these rules, and

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules,

shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits.*—Notwithstanding the provisions of rule (2) above the relative seniority of all direct recruits shall be determined by the order of merit which they are selected for such appointment, on the recommendation of the selecting authority persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order or merit:

(ii) Provided further that a person does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier:

(iii) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing, the appointing authority is satisfied that this was so.

(4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where a person promoted initially on a temporary basis is confirmed subsequently in an order different from the order of merit

indicated at the time of his promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arranged all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and of promoters shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these rules.

(6) *Transfers.*—The relative seniority of persons appointed by transfer to the service from the subordinate offices or the Central Government or other departments of the Government shall be determined in accordance with the order of their selection for such transfer,

EXPLANATORY MEMORANDUM

Sub-rule (4).—Where promotions are made on the basis of selection by a Departmental Promotion Committee the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority (subject to the rejection of the unfit) the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

Sub-rule (5).—A roster should be maintained based on the reservation for direct recruitment and promotion in the recruitment rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

13. *Leave and pension etc.*—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A, Volume II of the Post and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India, in Finance Ministry's Office Memo. No. F. 3 (1)-Est. (Spl)/47, dated the 17th April, 1950 as amended from time to time, unless one has already exercised option otherwise.

14. *Training and examination etc.*—The members of service shall have to qualify examinations or to undergo training as may be prescribed by the Government from time to time for any class of posts.

15. *Other condition of service.*—In respect of conditions of service other than these covered by these rules, members of the service shall be governed by the conditions of service of Union Territories Employees Rules, 1959, issued by the Government of India Ministry of Home Affairs vide their notification No. F. 27/59-Him (ii), dated the 13th July, 1959.

ANNEXURE I

ANNEXURE TO THE HIMACHAL PRADESH HOME GUARDS AND CIVIL DEFENCE CLASS II (NON-M.N. SERIAL) (RECRUITMENT, PROMOTION AND CERTAIN CONDITIONS OF SERVICE) RULES, 1969

<i>Character of posts</i>	<i>Grade</i>
1. Company Commander	Rs. 320-20-600
2. Civil Defence Instructor	Rs. 250-10-300/15-450
3. Chief Instructor and Administrative Officer (C.T.C.)	Rs. 250-10-300/15-450
4. Platoon Commander	Rs. 180-8-220/10-250
5. Havildar Instructors/Quartermaster Havildars	Rs. 150-3-165/3-180
6. Armourer	Rs. 150-3-165/3-180
7. Motor Driving Instructor	Rs. 110-4-130/5-160/5-180
8. Compounder	Rs. 140-6-170/8-210/10-300
9. Orderly	Rs. 125-125-125/128-1-150

ANNEXURE II

Copy of Office Memo. No. 4/7/56-RPC, dated the 30th November, 1956, from the Under Secretary to the Government of India, Ministry of Home Affairs, to all Ministries etc.

Subject.—Minimum age limit for recruitment to clerical posts not made through the Union Public Service Commission.

Reference.—This Ministry's Office Memo. No. 4/7/56-RPS, dated the 20th March, 1956.

Replies received from Ministries and other offices to this Ministry's Office Memo. referred to above show a consensus of opinion in favour of the proposals made in that memorandum. It has accordingly been decided that for recruitment to clerical posts, under the Central Government made without reference to the Union Public Service Commission the minimum age limit should be 18 years. Heads of Departments are authorised to make a relaxation in exceptional case of this limit by not more than one year.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General.

K. N. CHANNA,
Chief Secretary.

HOME GUARDS AND CIVIL DEFENCE DEPARTMENT NOTIFICATION

Simla-2, the 23rd January, 1971

No. 5-2/69-HG.—In exercise of the powers delegated by the President under the proviso to Article 309 of the Constitution vide Government of India, Ministry of Home Affairs, notification No. F. 27/59-Him (i), dated the 18th July, 1959, the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to make the following rules in respect to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Home Guards and Civil Defence Class IV Service.
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I GENERAL

1. Short title and commencement.—(a) These rules may be called the Himachal Pradesh Home Guards and Civil Defence Class IV Service (Recruitment, Promotion and certain conditions of Service) Rules, 1969.

(b) These rules shall come into force from the date of notification in the official Gazette.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context—

- (a) “Administrator” means the Lieutenant Governor of Himachal Pradesh.
- (b) “Recognised school” means any school run by the Government or by a local body and declared or recognised by the Government.
- (c) “Government” means the Himachal Pradesh Government.
- (d) “The service” means the Himachal Pradesh Home Guards and Civil Defence Class IV Service.
- (e) “Direct appointment” means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Himachal Pradesh Government or of the Union.
- (f) “Scheduled castes” means the castes, races or tribes or parts of or groups within castes, races or tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951 as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (g) “Scheduled tribes” means the tribes or tribal communities or parts of or groups within tribes or tribal communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956 (63 of 1956).
- (h) “Member” means a member of the Himachal Pradesh Home Guards and Civil Defence Class IV Service.

PART II

RECRUITMENT TO SERVICE

3. *Character of posts.*—The character (i.e. designation, grade etc.) of the various posts included in the service and their rates of pay shall be as indicated in the Annexure to these rules.

4. *Authority empowered to make appointment.*—All appointments to posts in the service shall be made by the head of office or any other authority declared as such by the competent authority.

5. *Nationality, eligibility and age etc.*—(1) A candidate for appointment to any post in the service must be—

- (a) A citizen of India, and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post; or
- (ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who has, after the death of his father continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reasons, shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

- (iii) who produced before the appointing authority concerned, if so required by it, a certificate of eligibility granted under rule 4 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Administrator (Lieutenant Governor), Himachal Pradesh in any exceptional case and for reasons to be recorded in writing, relaxes the provisions of sub-rule (i) of this rule, in exercise of his discretion under rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959, a candidate for appointment to any post in the service must be—

- (a) A citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal or possession in India, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen in India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government; and

(2) unless he is already in Government service must produce—

- (i) a certificate of good moral character from the head of the recognised school last attended;
- (ii) certificate of good moral character from two responsible persons, not being his relative who are well acquainted with him in private life and unconnected with his school;
- (iii) a medical certificate, as required by rule 10 of Fundamental Rules and rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife—

No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service;

- (v) in the case of female Government servant, a declaration to the effect that she has not married a person having already a living wife;
- (vi) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Himachal Pradesh Government may if satisfied, that there are special grounds for doing so exempt any person from the operation of rules in clause (iv) and (v) above.

(3) Must not be less than 18 years and not more than 25 years of age on the date of his appointment:

Provided further that minimum and maximum age limit as prescribed may be relaxed in pursuance of the administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules Volume II:

Provided further that the maximum age limit may be relaxed in the case of scheduled castes/tribes candidates, displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. *Educational qualification of candidates.*—No person shall in future be appointed to the service, unless in the case of appointment to the post of—

- (1) *Peons, Despatch Riders and Cleaner.*—He has passed the Middle standard Examination from a recognised School and is a member of Home Guards. The prescribed educational qualifications will be relaxed in the case of a transferee from contingent paid peons, chowkidars, dhobi, cobbler, water carrier, cooks and sweepers provided that such a transferee has put in 3 years service in that capacity:

Provided further that the knowledge of customs, manners and dialect of Himachal Pradesh shall be essential qualifications for all candidates for purpose of eligibility to the above posts.

7. *Method of recruitment.*—Posts in the service shall be filled either by transfer or by direct appointment in the following manner—

(1) *Peons, Despatch Riders and Cleaner.*—By transfer of a person already in the service of the Union or by direct recruitment:

Provided that 23% and 5% of the vacancies shall be filled up from the candidates belonging to scheduled castes and scheduled tribes respectively subject to the minimum qualifications being satisfied by them.

8. *Departmental Promotion Committee.*—The Departmental Promotion Committee shall constitute as required under the rules.

PART III

CONDITIONS OF SERVICE

9. *Probation of members of service.*—(1) Members of the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

Explanation.—Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is, in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his service or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in rule 4, may confirm such member in his appointment or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment, or may extend the period of probation and thereafter pass such orders on the expiry of probation or trial, as the case may be, as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation or trial including extension, if any shall not exceed double the normal period.

10. *Scale of pay etc. of the service.*—The grades of pay of each class of the service are mentioned in the Annexure to these rules subject to their revision from time to time.

11. *Discipline.*—In respect of discipline, punishment and appeals, the members of the service shall be governed by the provisions of Central Civil Service (Classification, Control and Appeal) Rules, 1956 and the Central Civil Service Conduct Rules, 1964 as amended from time to time.

12. *Seniority of member of service.*—Subject to the provision of paragraph (2) below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en-block* be senior to all others in that grade.

Explanation.—For the purpose of these rules—

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules; and

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules; shall be considered to be permanent officers of the grade.

(2) Subject to the provision of paragraph (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruits*.—Notwithstanding the provisions of rule (2) above the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the selecting authority persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

- (i) Provided that where persons recruited initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit;
- (ii) Provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank in the seniority list next to the person who joined earlier;
- (iii) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing, the appointing authority is satisfied that this was so.

(4) *Promotees*.—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

5. *Relative seniority of direct recruits and promotees*.—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these rules.

(6) *Transferees*.—The relative seniority of persons appointed by transfer to the service from the subordinate offices or the Central Government or other departments of State Government shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule (4).—Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall

be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

Rule 5.—A roster should be maintained based on the reservation for direct recruitment and promotion in the recruitment rules. Appointments should be made in accordance with this roster and seniority determined accordingly. Illustration where 75% of the vacancies are reserved for promotion and 25% for direct recruitment each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the proportion referred to above.

13. Leave and pension.—In respect of leave, pension and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7A Volume II of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules and the Pension Rules promulgated by the Government of India, in Finance Ministry's Office Memo. No. F. 3 (1)-Est. (Spl.)/47, dated the 17th April, 1950 as amended from time to time unless one has already exercised option otherwise.

14. Other condition of service.—In respect of conditions of service other than those covered by these rules members of the service shall be governed by the conditions of service of Union Territories Employees Rules, 1959, issued by the Government of India, Ministry of Home Affairs vide their Notification No. 27/59-Him (ii), dated the 13th July, 1959.

ANNEXURE TO THE HIMACHAL PRADESH HOME GUARDS AND CIVIL DEFENCE CLASS IV SERVICE RECRUITMENT AND PROMOTION RULES, 1969

<i>Character of posts</i>	<i>Grade</i>
1. Peon	Rs. 70-2-80/3-95.
2. Despatch Rider	Rs. 70-2-80/3-95.
3. Cleaner	Rs. 70-2-80/3-95.

K. N. CHANNA,
Chief Secretary.

**FOREST DEPARTMENT
NOTIFICATION**

Simla-2, the 16th November, 1971

No. 22-5/71-SF.—Consequent upon the establishment of Himachal Pradesh University, the Governor, Himachal Pradesh, is pleased to order that Forest Research Division of Himachal Pradesh Forest Department shall cease to function and shall stand transferred to the Himachal Pradesh University in pursuance of section 24(d) of the Himachal Pradesh University Act, 1970 with effect from 19th November, 1971.

2. The Governor, Himachal Pradesh, is further pleased to order that all assets and liabilities of the aforesaid Forest Research Division shall also stand transferred to and shall vest in the University along with the land and buildings.

3. For the remaining part of the year, 1971-72, the University shall be paid the grant-in-aid equal to the provision for this unit in the State budget for Plan as well as Non-Plan items of expenditure.

4. The University shall ensure that necessary utilisation certificates in respect of the grant-in-aid to the University are furnished at regular intervals.

5. The University shall ensure compliance of all instructions issued by the State Forest Department from time to time, in regard to the implementation of the schemes under the Five Year Plans.

6. The University shall make available to the Government such information as may be required from time to time.

7. The University shall depute an officer as and when required in order to assist the Government on all matters relating to the University which come up before the various Committees of the House *i.e.* Vidhan Sabha.

8. All the class IV staff serving in the aforesaid Forest Research Division shall become the employees of the University on their acceptance of the terms and conditions as agreed upon between the Himachal Pradesh Government and the University.

9. This issues with the concurrence of the Finance Department vide their Dy. No. 179, dated 21st July, 1971.

By order,
P. C. SHARMA,
Joint Secretary.